

# Order

Michigan Supreme Court  
Lansing, Michigan

May 22, 2007

Clifford W. Taylor,  
Chief Justice

ADM File No. 2006-29

Michael F. Cavanagh  
Elizabeth A. Weaver  
Marilyn Kelly  
Maura D. Corrigan  
Robert P. Young, Jr.  
Stephen J. Markman,  
Justices

Amendment of  
Rule 3.411 of the  
Michigan Court Rules

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On order of the Court, notice of the proposed changes and an opportunity for comment in writing and at a public hearing having been provided, and consideration having been given to the comments received, the following amendment of Rule 3.411 of the Michigan Court Rules is adopted, effective September 1, 2007.

[New language is indicated by underlining and deletions are indicated by strikeover.]

Rule 3.411 Civil Action to Determine Interests in Land

(A)-(G)[Unchanged.]

(H) Judgment Binding Only on Parties to Action. Except for title acquired by adverse possession, ~~t~~The judgment determining a claim to title, equitable title, right to possession, or other interests in lands under this rule, determines only the rights and interests of the known and unknown persons who are parties to the action, and of persons claiming through those parties by title accruing after the commencement of the action.

(I) [Unchanged.]

Staff Comment: This amendment clarifies that MCR 3.411(H), under which a judgment determining an interest in land is effective only as to the parties to the action, does not apply to an action in which title was determined under the principle of adverse possession. Under longstanding Michigan caselaw, interests in land acquired by adverse possession are effective against all the world, not just those individuals who are parties to the action. See, for example, *Lawson v Bishop*, 212 Mich 691 (1920), and *Gorte v Dep't of Transportation*, 202 Mich App 161 (1993).

The staff comment is published only for the benefit of the bench and bar and is not an authoritative construction by the Court.



I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

May 22, 2007

*Corbin R. Davis*

Clerk